THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19901 of 2006

Between:

J.Basanth Kumar.

.. PETITIONER

and

The Divisional Railway Manager and another.

.. RESPONDENTS

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ORDER:

This writ petition has been filed seeking a Writ of Mandamus declaring

the action of the respondents in not disposing of the petitioner's application, dated 08-05-2006, filed under Section 6 of the Right to Information Act, 2005 (for short "the Act") as illegal and arbitrary.

A counter has been filed stating that the application filed by the petitioner on 08-05-2006 under Section 6 of the Act for providing copies of documents filed by M/s.Avinash Tours and Travels and M/s.Shiridi Sai Tours and Travels for allotment of Rail Travel Service Agent was disposed of through proceedings, dated 25-05-2006, stating that the documents cannot be provided as per Clause (h) of Section 8 of the Act. As against the said order, the petitioner preferred an appeal before the Appellate Authority under Section 19(1) of the Act on 14-07-2006. The Appellate Authority disposed of the said appeal on 24-07-2006 stating that files regarding allotment of Rail Travel Service Agent at Suryaraopet and I Town Area of Vijayawada City were taken over by Vigilance Department and the matter is under investigation. Thus, it is stated that the application of the petitioner was already disposed of on 25-05-2006 itself and the appeal preferred against the order was also disposed of on 24-07-2006. Therefore, the writ petition is devoid of merit and the same is liable to be dimsised.

Though the action of the respondents claiming privilege under Section 8(h) of the Act is unwarranted and without any justification, but, however, without questioning the order of the Appellate Authority, I am not inclined to grant any relief in this writ petition.

Accordingly, the writ petition is dismissed with a liberty to file fresh writ petition questioning the rejection order, dated 25-05-2006, as well as the order of the Appellate Authority, dated 24-07-2006. There shall be no order as to costs.

03-08-2007

Prv